

In *Peterson v. Nader*, 453 F.2d 754, 757 (8th Cir. 1971), the court stated that although it is true that there exists no statutory or constitutional right for a defendant to have counsel appointed in a criminal case... [the court]... the defendant's power to make this appointment within the time allowed by the rules of procedure are that [the court]... Code, [the court]... counsel for a defendant in a criminal case. *United States v. White*, 278 F.2d 1000, 1001 (8th Cir. 1960). See *United States v. McQuinn*, 577 F.2d 1112, 1114 (8th Cir. 1978); *United States v. White*, 533 F.2d 1000, 1001 (8th Cir. 1976); *United States v. White*, 537 F.2d 1000, 1001 (8th Cir. 1976).

Applying the law to the facts of this case, the court found that the defendant's power to appoint counsel was not violated. The court stated that the defendant's power to appoint counsel is not a constitutional right, but a statutory right. The court found that the defendant's power to appoint counsel was not violated because the court appointed counsel for the defendant within the time allowed by the rules of procedure.

For the reasons stated above, the Court finds that the Plaintiff has established that the Defendant's actions were negligent and that the Plaintiff has suffered damages as a result of the Defendant's negligence. The Court therefore grants the Plaintiff's motion for summary judgment and awards the Plaintiff the sum of \$10,000.00 in damages. The Court also awards the Plaintiff the sum of \$1,000.00 in costs. The Court's decision is based on the evidence presented and the law applicable to the case. The Court finds that the Defendant's actions were negligent and that the Plaintiff has suffered damages as a result of the Defendant's negligence. The Court therefore grants the Plaintiff's motion for summary judgment and awards the Plaintiff the sum of \$10,000.00 in damages. The Court also awards the Plaintiff the sum of \$1,000.00 in costs. The Court's decision is based on the evidence presented and the law applicable to the case.

Respectfully Submitted,
 [Signature]

Dated: 11.24.04

cc: [Name]